

118TH CONGRESS
1ST SESSION

S. RES. _____

Celebrating the 246th anniversary of the creation of the flag of the United States and expressing support for the Pledge of Allegiance.

IN THE SENATE OF THE UNITED STATES

Mr. BRAUN submitted the following resolution; which was referred to the Committee on _____

RESOLUTION

Celebrating the 246th anniversary of the creation of the flag of the United States and expressing support for the Pledge of Allegiance.

Whereas, on June 14, 1777, the Continental Congress approved the design of a flag of the United States;

Whereas, over the years, the flag of the United States has preserved the standards of the original design comprised of alternating red and white stripes accompanied by a union consisting of white stars on a field of blue;

Whereas, on May 30, 1916, President Woodrow Wilson issued Presidential Proclamation 1335, an announcement asking the people of the United States to observe June 14 as Flag Day;

Whereas, on August 3, 1949, President Harry Truman signed into law House Joint Resolution 170, 81st Congress, a joint resolution designating June 14 of each year as Flag Day;

Whereas, on August 21, 1959, President Dwight Eisenhower issued Executive Order 10834 (24 Fed. Reg. 6865), an order establishing the most recent design of the flag of the United States;

Whereas the Pledge of Allegiance was written by Francis Bellamy, a Baptist minister, and first published in the September 8, 1892, issue of The Youth's Companion;

Whereas, in 1954, Congress added the words “under God” to the Pledge of Allegiance;

Whereas, for more than 60 years, the Pledge of Allegiance has included references to the United States flag, to the United States having been established as a union “under God”, and to the United States being dedicated to securing “liberty and justice for all”;

Whereas, in 1954, Congress believed it was acting constitutionally when it revised the Pledge of Allegiance;

Whereas the United States was founded on principles of religious freedom by the Founders, many of whom were deeply religious;

Whereas the First Amendment to the Constitution of the United States embodies principles intended to guarantee freedom of religion through the free exercise thereof and by prohibiting the Government from establishing a religion;

Whereas patriotic songs, engravings on United States legal tender, and engravings on Federal buildings also contain general references to “God”;

Whereas, in *Elk Grove Unified School District v. Newdow*, 542 U.S. 1 (2004), the Supreme Court of the United States overturned the decision of the United States Court of Appeals for the Ninth Circuit in *Newdow v. U.S. Congress*, 328 F.3d 466 (9th Cir. 2003), a case in which the Ninth Circuit concluded that recitation of the Pledge of Allegiance by a public school teacher violated the Establishment Clause of the First Amendment to the Constitution of the United States;

Whereas the United States Court of Appeals for the Ninth Circuit subsequently concluded that—

(1) the previous opinion of that court in *Newdow v. U.S. Congress*, 328 F.3d 466 (9th Cir. 2003) was no longer binding precedent;

(2) case law from the Supreme Court of the United States concerning the Establishment Clause of the First Amendment to the Constitution of the United States had subsequently changed after the decision in *Elk Grove Unified School District v. Newdow*, 542 U.S. 1 (2004); and

(3) Congress, in passing the new version of the Pledge of Allegiance, had established a secular purpose for the use of the term “under God”; and

Whereas, in light of those conclusions, the United States Court of Appeals for the Ninth Circuit upheld the recitation of the Pledge of Allegiance by public school teachers: Now, therefore, be it

1 *Resolved*, That the Senate—

2 (1) celebrates the 246th anniversary of the cre-
3 ation of the flag of the United States;

1 (2) recognizes that the Pledge of Allegiance has
2 been a valuable part of life for the people of the
3 United States for generations; and

4 (3) affirms that the Pledge of Allegiance is a
5 constitutional expression of patriotism and strongly
6 defends the constitutionality of the Pledge of Alle-
7 giance.